

Applicant: Premetivo R. Gabaldon, Jr.

Agent: Garcia/Kraemer & Assoc.

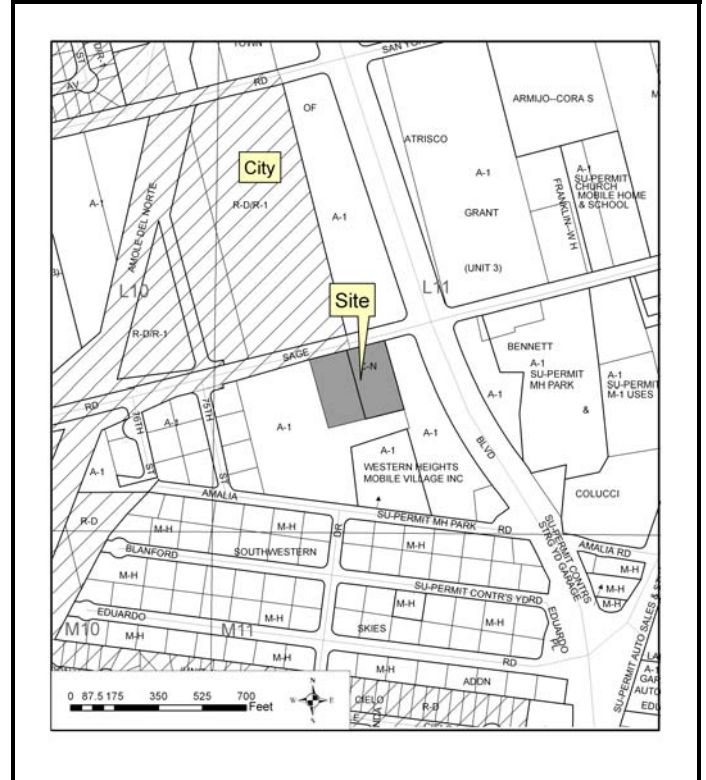
Location: 6566 Sage Road, SW

Property Size: 2 acres (approximately)

Existing Zone: C-N & A-1

Proposed Request: Special Use Permit for a Paint and Body Shop and Auto Sales

Recommendation: Denial



Summary: The applicant is requesting a Special Use Permit for a Paint and Body Shop and Auto Sales for approximately 2 acre parcel located on south side of Sage Road between Coors Boulevard and 75th Street SW. The previous Special Use Permit for a Paint and Body Shop and Auto Sales expired in January of 2001.

The site is located in the Developing Urban Area as designated by the Albuquerque/Bernalillo County Comprehensive Plan and Residential Area Five (5) of the Southwest Area Plan

Staff Planner: Adella Gallegos, Associate Program Planner

Attachments:

1. Application
2. Land Use Map
3. Site Plan (Commissioners Only)

Bernalillo County Departments and other interested agencies reviewed this application from 11-20-07 to 12/03/07. Agency comments are verbatim and were used in preparation of this report, which begin on page 11.

AGENDA ITEM NO.: 19
County Planning Commission
January 9, 2008

CSU-70050 Garcia/Kraemer & Associates, agent for Premetivo R. Gabaldon Jr., requests approval of a Special Use Permit for Specific Uses for Automotive Repair (paint & body) and Auto Sales on a tract in the SW¼ SW¼ SW¼, T10N R2E Section 26, located at 6566 Sage Road SW, zoned A-1 & C-N, and containing approximately 2 acres. (L-11)

AREA CHARACTERISTICS AND ZONING HISTORY

Surrounding Zoning & Land Uses

Site	Zoning	Land Use
	C-N and A-1	C-N - Auto Repair and Paint & Body Shop Operation A-1 – Residential
North	RD/R-1 (Municipal Limits) and County A-1	Vacant
South	A-1 and a Special Use for a Mobile Home Park and M-H	Mobile Home Park and Mobile Home Development
East	A-1	Vacant
West	A-1	Partially Vacant and Residential Development

BACKGROUND:

The Request

The applicant is requesting approval of a Special Use Permit for a Paint and Body Shop and Auto Sales located at 6566 Sage Road SW. The zoning on the property consists of A-1 and C-N. The A-1 portion is developed with a residential dwelling and storage building. The C-N zoned portion is developed as a paint and body shop operation that includes, two small sheds, a mobile building and open storage of vehicles. The applicant has been operating his business from this location for over 30 years.

This request was prompted as a result of the applicant being notified that his Special Use Permit had expired.

Request Justification

The applicant contends that the request is justified by the continued community neighborhood conditions, specifically the pattern of adjacent land use of existing special use permits.

Surrounding Land Use and Zoning

The property adjacent to the site, on the east, is zoned A-1 and is currently vacant. The property directly north of Sage Road is RD/R-1 (Municipal Limits) and A-1 (County). These parcels are both vacant. On the south exist A-1 zoning with a Special Use Permit for a Mobile Home Park developed as such and M-H zoning developed with a mixture of mobile homes and residential dwellings. On the west exists A-1 zoned property partially vacant with a substantial amount of residential development existing further west of the site within the Municipal Limits.

The most recent zoning activities that occurred in the general vicinity were the approvals of three zone map amendments from A-1 to C-1 just north of the subject site along Coors Boulevard at the intersections Bridge and Coors and Tower and Coors (CZ-50008, CZ-60015 and CZ-70009).

APPLICABLE PLANS AND POLICIES:

Albuquerque/Bernalillo County Comprehensive Plan

The site is located in the Developing Urban Area of the Albuquerque/Bernalillo County Comprehensive Plan. The Goal for this land use area is to create a quality urban environment which perpetuates the tradition of identifiable, individual but integrated communities with the metropolitan area and which offers a variety and maximum choice in housing, transportation, work areas and life styles, while creating a visually pleasing built environment.

Policy a states that the Established and Developing Urban Areas shall allow a full range of urban land uses, resulting in an overall gross density of up to five dwelling units per acre.

Policy d states that the location, intensity, and design of new development shall respect existing neighborhood values, natural environmental conditions and carrying capacities, scenic resources and resources of other social, cultural, or recreational concern.

Policy e states that new growth shall be accommodated through development of areas where vacant land is contiguous to existing or programmed urban facilities and services and where the integrity of existing neighborhoods can be assured.

Policy g states that development shall be carefully designed to conform to topographical features and include trail corridors in the development where appropriate.

Policy i states that employment and service uses shall be located to complement residential areas and shall be sited to minimize adverse effects of noise, lighting, pollution, and traffic on residential environments.

Policy j states that where new commercial development occurs, it should generally be located in existing commercially zoned areas as follows:

- In small neighborhood-oriented centers provided with pedestrian and bicycle access within reasonable distance of residential areas for walking or bicycling.
- In larger area wide shopping centers located at intersections of arterial streets and provided with access via mass transit; more than one shopping center should be allowed at an intersection only when transportation problems do not result.
- In free standing retailing and contiguous storefronts along streets in older neighborhoods.

Policy k states that the land adjacent to arterial streets shall be planned to minimize harmful effects of traffic; livability and safety of established residential neighborhoods shall be protected in transportation operations.

Policy l states that quality and innovation in design shall be encouraged in all new development design shall be encouraged which is appropriate for the plan area.

Policy m states that urban and site design, which maintains and enhances unique vistas and improves the quality of the visual environment, shall be encouraged.

Air Quality

The Goal is to improve air quality to safeguard public health and enhance the quality of life.

Policy g states that pollution from particles shall be minimized.

- Use vegetation, landscaping and other erosion control techniques to minimize dust pollution especially from construction sites.
- Modify the Development process manual to expand requirements for topsoil disturbance permits and dust control plans for excavations greater than $\frac{3}{4}$ acre; monitor and strictly enforce the existing regulations regarding airborne particulates.

Economic Development

The Goal is to achieve steady and diversified economic development balance with other important social, cultural and environmental goals.

Policy a states that, "New employment opportunities which will accommodated a wide range of occupational skills and salary levels shall e encouraged and new jobs located convenient to area of most need."

Policy b states that, "Development of local business enterprises as well as the recruitment of outside firms shall be emphasized."

Southwest Area Plan (SWAP)

The site is located in Residential Area Five (5) of the Southwest Area Plan.

Policy 30(h) allows up to nine dwelling units per net acre in Residential Area Five (5), when city water and sewer services are available.

Policy 16 states that heavy industrial and commercial traffic shall be limited in village centers and residential areas to enhance residential stability, respect the history and integrity of the area, and promote neighborhood scale (CN zoning) economic development.

Policy 23 states that all development and subdivisions shall be required to limit the level of water runoff generated from new construction or paving in order to reduce velocity and volume of runoff, and to ensure the viability and capacity of down stream facilities.

Policy 29 states the County and City shall stabilize residential zoning and land use in the plan area.

Policy 34 states standards for outdoor lighting shall be implemented to ensure that their use does not interfere with the night sky environment and unnecessarily adjacent properties.

Policy 45 encourages the location of newly developing neighborhood scale commercial and office use be within their defined village centers.

Policy 46 balance economic development and the quality of life for existing communities as well as for newly developed areas.

Policy 49 promotes small-scale community commercial centers, which foster a market place atmosphere; improve profit for small businesses; provide jobs; and circulate dollars within the area economy to enhance a community environment and meet retail, recreational and service needs of area residents.

Bernalillo County Zoning Ordinance

Resolution 116-86 defines criteria for evaluating a Zone Map changes and Special Use Permit applications.

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The following policies for deciding zone map changes and Special Use Permit applications pursuant to the adopted Bernalillo County Zoning Ordinance.

- A. A proposed land use change must be found to be consistent with the health, safety and general welfare of the residents of the County.
- B. The cost of land or other economic considerations pertaining to the applicant shall not be the determining factor for a land use change.
- C. A proposed land use change shall not be in significant conflict with adopted elements of the Comprehensive Plan or other Master Plans and amendments thereto including privately developed area plans which have been adopted by the Board of County Commissioners.
- D. Stability of the land use and zoning is desirable; therefore, the applicant must provide a sound justification for land use change. The burden is on the applicant to show why the change should be made.
- E. The applicant must demonstrate that the existing zoning is inappropriate because:
 - 1. An error in the original zone map.
 - 2. Changed neighborhood conditions, which justifies a change in land use or
 - 3. That a different use category is more advantageous to the community as articulated in the Comprehensive Plan or other land use plans as adopted by the Board of County Commissioners.
- F. A land use change shall not be approved where some of the permissive uses in the land use change would be harmful to adjacent property, the neighborhood or the community.
- G. Location on a collector or major street is not itself sufficient justification of apartment, office, or commercial zoning.
- H. A zone change request which would give a zone different from the surrounding zoning to one small area, especially when only one premises is involved, is generally called a "spot zone." Such a change of zone may be approved only when:
 - 1. The change will clearly facilitate revitalization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan; or
 - 2. The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones, because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone.
- I. A zone change request, which would give a zone different from the surrounding zoning to a strip of land along a street, is generally called a "strip zoning." Such a change of zone may be approved only when:

1. The change will clearly facilitate realization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan; or
2. The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones, because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone.

ANALYSIS:

Surrounding Land Use and Zoning

The zoning surrounding the subject site is predominately residential with the exception of the C-N zoning on the subject site. RD/R-1 (Municipal Limits) and County A-1 exist directly north of the subject site and is vacant. To the east A-1 zoning which is also vacant. The property directly south of the subject site is zoned A-1 with a Special Use Permit for a Mobile Home Park and developed with a mobile home park. To the west existing A-1 zoning partially vacant; however, the general area west of the subject site appears to be fully developed with the majority of the development occurring within the municipal limits.

The C-N zoned portion of the subject site was approved in June of 1976 with the understanding that the applicant acquires a conditional use permit to operate his business. The Zoning Ordinance has since been amended and a paint and body shop and auto sales is no longer a conditional use under the C-N zone. The applicant subsequently requested C-2 zoning (CZ-95-22) in 1995; however, was granted approval of a Special Use Permit for a Paint and Body Shop and Auto Sales for five years.

Plans

This site is located in the Developing Urban Area as designated by the Albuquerque/Bernalillo County Comprehensive Plan and in Residential Area Five (5) of the Southwest Area Plan. Both plans call for commercial development to occur in existing commercially zoned areas and for the stabilization of residential zoning. Although the existing land use is located on C-N commercially zoned property, the land use requested is first noted as permissive in the C-2 zone. The permissive uses within the C-2 zone are more intense and not of a neighborhood community scale. The use appears to be incompatible with the surrounding residential development and not within the C-N neighborhood scale called for in the Zoning Code.

Although, at this time, the land use as it is currently operated does not appear to pose a threat to the area in which it is located, the annexation and establishment of residential zoning for the property directly north of the site implies that the use desired for this area is residential. In essence, the proposed request is not compatible with the surrounding zoning and residential uses.

Zoning Ordinance

Resolution 116-86 established policies regarding zone change requests in that the applicant must demonstrate that the existing zoning is inappropriate because of a mapping error, changed community conditions, or that a different zone is more advantageous to the area

based on adopted plans. The changed community conditions that are occurring in the area is the development of a substantial amount of residential housing to the west and the current establishment of light neighborhood commercial zoning (C-1) along Coors Boulevard to the north.

Agency Comments

The Office of Environmental Health Division has noted that a smoke test will be required to determine the extents of the service and that the water retention pond needs to be cleared of debris and old automotive parts. In addition, the unpermitted well on the site will be required to be permitted or abandoned and that a Hazardous Materials Handling Plan will be required.

The Zoning Administrator has noted that a minimum landscape setback of no less than 15 feet is required along the northern property line (Sage Road), six-foot landscape buffers and solid wall or fences along the south, east and west are required when these lots are developed residentially. In addition, a minimum of 18 off-street parking spaces are required for the development on the site which includes two existing mobile home. The Zoning Administrator also noted that the site plan be modified to show the general location of the vehicles that will be displayed on the site as being "for sale".

The Fire Marshal's Office has noted that inspection of the paint and body shop operation will be required.

The Building Department Manager is requiring that a field status inspection to verify existing conditions on the premises.

The Public Works Division has noted that a 30 foot asphalt driveway apron and the dedication of additional right-of-way will be required and noted on the site plan.

The City of Albuquerque Transportation Development Division has noted that Long Range Roadway System and Long Range Bikeways System maps classify Sage Road as a minor arterial which calls for the dedication of additional rights-of-way as required by the County Engineer for construction of the on-street bicycle lanes adjacent the subject property.

Analysis Summary

Zoning	
Resolution 116-86	The applicant has not demonstrated that the existing zoning is inappropriate.
	Changed community conditions reflect a substantial amount of residential development
Plans	
Comprehensive Plan	Inconsistent with Policy 5.j that calls for new commercial development to occur in existing commercially zoned areas.

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Southwest Area Plan	Conflicts with Policy 45 which states the location of newly developing neighborhood scale commercial and office use be within their defined village centers.
	Conflicts with Policy 29 which calls for the stabilization of residential zoning and land use in the plan area.
Zoning Ordinance	Section 18.B.32 requires substantial support from the neighborhood. No support has been submitted.
Other Requirements	
Public Works Division	Dedication of right-of-way and a 30 foot asphalt apron
Fire & Building Division Manager	Inspection of facilities

Conclusion

Resolution 116-86 states that the applicant must demonstrate that the existing zoning is inappropriate because of an error in the original zone map, changed neighborhood conditions exist which justifies a change in land use; or, a different use category is more advantageous to the community as articulated in the Comprehensive Plan or other land use plans as adopted by the Board of County Commissioners.

The subject site has been utilized for a paint and body shop operation for over 30 years; however, with the exception of the mobile parks, when this operation was first established the surrounding residentially zoned property was vacant. Since that time a substantial amount of residential development has occurred and it appears that the changed conditions surrounding the subject site are residential.

The existing C-N zoned portion of the subject site allows for uses that are of a neighborhood commercial scale. The existing operation is more intense than what is permissive in the C-N zone. This type of operation is permissive in the C-2 zone which allows uses that are more intense and are more of a community commercial nature.

In addition, Section 18.B.32 of the Zoning Ordinance requires substantial support from the neighborhood. To date, submittal of support has not been received.

RECOMMENDATION:

Denial, based on the following Findings.

Adella Gallegos
Associate Program Planner

FINDINGS:

1. This is a request for a Special Use Permit for Specific Uses for Automotive Repair (paint & body) and Auto Sales on a tract in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, T10N R2E Section 26, located at 6566 Sage Road SW, zoned A-1 & C-N, and containing approximately 2 acres.
2. The subject site is located in the Developing Urban Area as designated in the Albuquerque/Bernalillo County Comprehensive Plan and in Residential Area Five (5) of the Southwest Area Plan.
3. This request conflicts with the Albuquerque/Bernalillo County Comprehensive Plan, Policy 5.j and the Southwest Area Plan Policy 45, in that these plans recommend that commercial development occur in commercially zoned areas and within defined village centers. This site is not located in a village center or a commercially zoned area.
4. This request conflicts with the Southwest Area Plan in that Policy 25 encourages the placement of C-2, M-1 and M-2 land uses in the area located south of Woodward and east of Second Street, and the southwest corner of I-40 and Paseo del Volcan, to promote areas of primary employment.
5. This request conflicts with Resolution 116-86 in that the applicant has failed to demonstrate that the existing zoning is inappropriate.
6. This request conflicts with Resolution 116-86 in that the proposed land use may be detrimental to the public interest, health, safety and general welfare of the area.

BERNALILLO COUNTY DEPARTMENT COMMENTS

Environmental Health:

1. Single lot of record and the appearance of 3 dwellings and the office/automotive business building on this property. The property has not been platted into two separate lots.
 - a. This property is connected to water and sewer with 2 separate accounts. #23038996 and #23038665. No determination has been made to the extent of service to all the buildings.
 - aa. A smoke test is required from Gerald Perea at the ABCWUA to determine the extent of sewer service on this property.
 - bb. Depending on the outcome of the smoke test and the extent of facilities in the buildings requiring sewer; additional accounts may be required.
2. Water retention pond at the SW corner of property needs to be cleared of debris and old automotive parts.
3. An un-permitted well is on the property as identified in the grading and drainage plan.
 - a. The well shall be permitted or properly abandoned.
3. Hazardous Materials Handling Plan is required.

Fire:

Extinguishers shall be suitable for the anticipated character of the fire, the construction and occupancy of the individual property or premises, the vehicle or hazard to be protected and the ambient-temperature conditions.

This paint Body will have to be inspected by the fire marshal to make sure that the business is current on the fire code and also have fire suppression system which is approved by the Fire Marshal's Office for the paint booth and must provide all documentation on waste paint and storage for all flammables and including secondary containment for waste paints.

An automatic fire sprinkler system shall be approved and:

Approval pending the review and/or approval of the automatic fire sprinkler system.

A certificate of compliance for the automatic sprinkler system shall be prepared and forwarded to the Bernalillo County Fire Prevention Bureau prior to occupancy.

Approval and/or occupancy pending approved water supplies for fire protection.

Fire hydrants are generally installed according to spacing criteria that varies according to proposed land use. These hydrants may be required to be supplemented with additional hydrants when actual development takes place.

Zoning Administrator

These activities are first listed as permissive within the C-2 zone; Sec. 15.B.2.a.(2) and 15.B.2.a.(6)(a) respectively

These uses require that:

- any automotive repair be conducted within a completely enclosed building located at least 20 feet from the south, east, and west property lines;
- storage of not more than 5 automobiles awaiting repair be permitted, provided that the storage area for these cars be enclosed by a wall or solid fence at least 6 feet in height;
- the lot be graded and surfaced with blacktop (2" of asphaltic concrete on a prime coat and a 4" compacted subgrade) or a surface with equal or superior performance characteristics;
- the necessary paving be maintained level and serviceable.

Based on the size of the property (2.016 ac.), a minimum landscape setback of no less than 15 feet is required along the northern property line (Sage Road), while six-foot landscape buffers along the south, east and west are required if/when these lots are developed residentially.

All landscaping areas should meet the requirements for tree, shrub and groundcover size, water use, and coverage, as well as perpetual maintenance. Each landscape area should be clearly delineated both on the plan and on the property (steel edging, RR ties, etc.) and cannot be used for the display of vehicles listed for sale on the property or those awaiting repair.

A six-foot high solid wall or solid fence is required on the south, east and west sides of the site if/when these adjacent properties are developed for single-family residential uses.

A minimum of 18 off-street parking spaces are required for the development on the site (16 for the "existing metal building" and 2 for the existing mobile home). Spaces must be appropriately surfaced, marked and located in compliance with the applicable standards of the ordinance - access for disabled individuals must meet code & ADA requirements. Staff also requests that the plan be modified to show the general location of the vehicles that will be displayed on the site as being "for sale", as required off-street spaces cannot be used for display of these cars/trucks.

Zoning Enforcement Manager:

There are no zoning violations.

Building Department Manager:

This occupancy will require a field status inspection to verify existing conditions on the premises.

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Public Works:

DRAN:

1. This property is subject to Chapter 38 of the Bernalillo County Code for Flood Damage Prevention and Storm Drainage. The grading and drainage plan provided with this special use application has not been submitted to the Bernalillo County Public Works Division for a formal review. However, a conceptual review has been completed of the grading and drainage plan and the plan was found to be sufficient for this application. A formal grading and drainage plan prepared by an engineer licensed in the State of New Mexico and approved by Bernalillo County Public Works will be required prior to any development or additional development of this property.

DRE

1. Sage is classified as a minor arterial on the Long Range Roadway System map. The applicant must dedicate additional right of way to a minimum of 43 feet from the centerline. This must be shown on the site plan.
2. The applicant shall provide a 30 foot asphalt driveway apron that meets BCPWD's approval.

Parks & Recreation: No comments received

Sheriff's: No comment received

COMMENTS FROM OTHER AGENCIES

MRGCOG:

MPO staff has no comment on this particular proposal. For information, Sage Road is functionally classified an urban collector.

MRGCD: No adverse comments.

AMAFCA: No comment.

City Planning Department/Development Services: No comments received.

City Open Space: No adverse comments.

Municipal Development Dept:

Transp. Planning: No adverse comments

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Transp. Development:

1. Sage Road is a minor arterial with a minimum right-of-way of 86 feet as designated on Long Range Roadway System map.
2. Sage Road is proposed to contain on-street bicycle lanes adjacent the subject property, as designated on the Long Range Bikeway System map.

Conditions

1. Dedication of a minimum 43 feet of right-of-way from the centerline of Sage Road a minor arterial as designated on the Long Range Roadway System map.
2. Dedication of additional rights-of-way as required by the County Engineer for construction of the on-street bicycle lanes as designated on the Long Range Bikeway System map.
3. Construction of arterial roadway and on-street bicycle lanes along Sage Road adjacent the subject property, as designated on the Long Range Roadway System and Long Range Bikeways System maps.

City Transit: No comments received.

ABCWUA/Utility Development Section: No adverse comments.

City Environmental Health: No comments received.

NM Department of Transportation: No comments received

Albuquerque Public School: This will have no adverse impacts on the APS District.

PNM: No comments received

NEIGHBORHOOD ASSOCIATIONS:

South Valley Alliance
South Valley Coalition of Neighborhood Associations
South West Alliance
Stinson/Tower Neighborhood Association